

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A recording and playback apparatus for recording data onto a predetermined recording medium and playing back said data from said recording medium, said recording and playback apparatus comprising:

judgment means for forming a judgment as to whether or not to correct focus precision in an operation to record data onto an Nth track of said recording medium or play back data from said Nth track; and

correction means which is used for correcting said focus precision if said judgment means forms a judgment to correct said focus precision in said operation to record data onto said Nth track of said recording medium or play back data from said Nth track by using ~~a~~an RF signal ~~representing data existing on~~ obtained from an already recorded track closest to said Nth track.

2. (Original) A recording and playback apparatus according to claim 1 wherein said judgment means is capable of forming a judgment to correct said focus precision if a predetermined period of time is determined to have lapsed.

3. (Original) A recording and playback apparatus according to claim 1 wherein said judgment means is capable of forming a judgment to correct said focus precision if a temperature

inside a disk drive setting said recording medium is determined to have increased by a predetermined temperature raise.

4. (Original) A recording and playback apparatus according to claim 1 wherein said correction means is capable of correcting said focus precision by using a signal played back from an  $(N - 1)$  th track immediately preceding said Nth track.

5. (Original) A recording and playback apparatus according to claim 1 wherein said correction means is capable of correcting said focus precision by determining a focus-bias value  $f_d$  that provides the absolute value of a difference within a threshold value  $k$  where said difference is a difference in amplitude or a difference in jitters value between a signal obtained at a focus bias of  $(f_d + a)$  and a signal obtained at a focus bias of  $(f_d - a)$ , and notation  $a$  denotes a change quantity.

6. (Currently Amended) A recording and playback method for recording data onto a predetermined recording medium and playing back said data from said recording medium, said recording and playback method comprising:

a judgment step of forming a judgment as to whether or not to correct focus precision in an operation to record data onto an Nth track of said recording medium or play back data from said Nth track; and

a correction step which is executed for correcting said focus precision if, at said judgment step, a judgment is formed to correct said focus precision in said operation to record data onto said Nth track of said recording medium or play back data from said Nth track by using ~~a~~ an RF

signal ~~representing data existing on~~ obtained from an already recorded track closest to said Nth track.

7. (Currently Amended) A recording medium for recording a program to be executed by a computer to record data onto a predetermined recording medium and play back said data from said recording medium, said program comprising:

a judgment step of forming a judgment as to whether or not to correct focus precision in an operation to record data onto an Nth track of said recording medium or play back data from said Nth track; and

a correction step which is executed for correcting said focus precision if, at said judgment step, a judgment is formed to correct said focus precision in said operation to record data onto said Nth track of said recording medium or play back data from said Nth track by using ~~a~~ an RF signal ~~representing data existing on~~ obtained from an already recorded track closest to said Nth track.